Business & Human Rights in India
Webinar series | Key insights and takeaways

Webinar 1: What business needs to know about the UN Guiding Principles

- **The UN Guiding Principles on Business and Human Rights (UNGPs) are the authoritative global framework to address business-related human rights challenges.** The UNGPs set clear expectations of both governments and businesses. Businesses are expected to meet their responsibility to respect human rights. This means that businesses should take proactive steps to identify and address their risk of involvement in human rights impacts – including impacts they cause, contribute to or are directly linked with.

- **The UNGPs are ambitious but practical.** They recognise that an effective human rights risk management system cannot be implemented overnight, and that companies may need to prioritise their focus. That said, effort and creativity are expected. Engaging with relevant stakeholders – including workers and other potentially affected people – is key to ensuring human rights due diligence is effective and to building and maintaining trust.

- **Human rights due diligence differs from other forms of due diligence.** Human rights due diligence focuses on assessing and addressing risks to people, not the company. Often, a risk will be to both the company and to people. However, a risk that is small to the company may be significant for affected people. The UNGPs expect companies to take the perspective of (potentially) affected people when assessing and prioritising human rights risks. Human rights due diligence should also go beyond tier 1 suppliers, recognising that a company's responsibility to respect human rights encompasses risks it causes, contributes to and is directly linked with.

- **Context matters.** What a business needs to do to satisfy its responsibility to respect human rights will vary, depending on a number of factors such as its size, sector and operating location and environment. The local context can be both an enabler and a barrier – it's important to tailor your business' efforts to the local context. For example, if human rights language can be a barrier, find other terms that can help you achieve a positive outcome. You can tailor the communication while implementing effective processes aligned with the UNGPs.

See the slides and resources for this webinar.

Webinar 2: The changing legal and policy landscape

- **The COVID-19 pandemic has impacted the human rights risk landscape for companies.** The economic impact of the pandemic is affecting at risk communities – including child workers and migrant workers – and placing pressure on livelihoods. Mental health risks are now part of every discussion about human rights risks, as are nutrition and health and safety. The pandemic has also disrupted companies' human rights due diligence processes – for example, it is no longer possible to do site visits or meet in-person with

workers. The UNDP has developed a [COVID-19 self-assessment toolkit](#) to support companies to assess human rights risks during the pandemic, and is also undertaking research to better understand the human rights impacts connected with the pandemic. There is increasing awareness of the convergence between efforts to respond to the pandemic, climate change and human rights risks in global value chains.

- **The Indian government is taking steps to encourage uptake of the UNGPs by business.** Currently, the government is in the process of developing a National Action Plan on Business and Human Rights (NAP). A zero draft of the NAP was released in 2019, and in March 2020 the government invited input from stakeholders – including the UN, business associations and civil society organisations. COVID has slowed this process, but the government commitment to developing the NAP continues. As with the NAPs produced by Thailand and Japan, the Indian NAP is likely to set expectations of companies. The government has also introduced the National Guidelines on Responsible Business Conduct, which include a chapter on business and human rights and require larger companies to produce a Business Responsibility Report.

- **There is increasing momentum behind the introduction of mandatory human rights due diligence laws in Europe**. The European Commissioner of Justice has committed to introduce mandatory due diligence legislation in the European Parliament in early 2021, and national-level processes to develop similar laws are underway in several European countries. These developments are likely to affect businesses in India – both those that are doing business in Europe and those that are part of global value chains. Companies that are already working to meet the expectations set out in the UNGPs should be well positioned to comply with these laws (or business partners' expectations). There's no one right approach to human rights due diligence, and it's important for companies to create their own processes. Don't approach human rights due diligence simply as a Western process; Eastern ways of thinking and working can help bring a human and empathetic approach to managing risks to people.

- **Investors are increasingly interested in understanding companies' human rights performance**. The Global Socially Responsible Investment (SRI) market is growing annually. India's SRI market is growing more slowly, but it is growing. Earlier this year, a group of international investors released a statement supporting mandatory human rights due diligence requirements. This trend is reflected in the Asia Pacific region more broadly. For example, the ASEAN forum of finance ministers recently adopted regional sustainable finance guidelines. Indian asset managers are also increasing pressure on companies to better manage human rights risks. Benchmarking initiatives, such as the Corporate Human Rights Benchmark, are emerging to help investors better assess the human rights performance of companies.

[See the slides and resources for this webinar](#).

Webinar 3: Engaging with suppliers to better manage human rights risks and issues

- **Companies make use of a wide variety of processes to manage human rights risks in their supply chains.** These may include, for example, high level risk mapping to identify salient (i.e. the most severe) risks at a country or product level, third party audits, and deep dives to address priority challenges. Embedding ownership of human rights risk management in the business is key – procurement managers have more influence with suppliers than representatives of the sustainability or human rights team. Cross-functional coordination and coordination at global, regional and local levels – is also needed. Finally,

what gets measured gets managed – one company observed that clear metrics help them compare performance across the business and get traction with senior management.

- **Consider how best to engage with suppliers to build buy-in and commitment to managing human rights risks effectively.** One company observed that it has been helpful, when starting the conversation with suppliers, to emphasise the need to continuously develop the value chain and the supplier's vital role within that. Discussing the benefits to suppliers of participating in the company's programme – such as being better-placed to meet new regulatory requirements and attract new business – can also be helpful to mitigate concerns about the costs of compliance. It will often be necessary for a company to provide suppliers with training and support to better manage human rights-related risks. Motivating suppliers by recognising good performance – for example, through awards – can also help. This might include pre-assessment training as well as targeted or ongoing support to build capability in particular areas.

- **COVID-19 has exacerbated human rights risks in companies' supply chains.** The vulnerabilities of at risk communities are shifting, with many workers losing their livelihoods as a result of the pandemic. Migrant workers have also faced greater risks during the pandemic – in part, because of restrictions on travel, and also due to challenges accessing health services or living in crowded dormitories. Many factories have been operating at reduced capacity or changed how they work, for example by staggering shifts and introducing new health and safety measures. In turn, it has been more difficult for companies to conduct effective human rights due diligence with restrictions on travel and face-to-face interactions. These additional challenges have come at a time when many businesses are struggling.

- **However, companies can continue to manage these risks during the pandemic.** Virtual audits can help ensure supply chain due diligence continues during the pandemic. They are no substitute for in-person processes, but can generate useful information. Consider what may need to be in place to ensure they are robust and do not put workers at risk. For example, using video conferencing tools to interview workers, having first rotated the camera 360° to confirm who is in the room, can help create a space for workers to discuss their experiences openly. Companies should also consider the potential human rights implications of decisions to cancel or delay orders. Partnerships with suppliers and relevant government authorities can help inform these decisions. Consider ways to build and maintain trust, collaborate with like-minded organisations and take action.

See the slides and resources for this webinar.

Webinar 4: Collaborative approaches to addressing shared human rights issues

- **Partnerships and collaboration are often necessary to find sustainable solutions to complex and systemic human rights challenges.** These include both industry (that is, business to business) and multistakeholder collaborations. Such collaborations enable relevant stakeholders to build a shared understanding of the issues, develop and coordinate on policies and processes, and exchange knowledge and insights. Within an industry, collaborations can also enable brands to set common expectations of suppliers to address key issues across the value chain. When working to address identified human rights impacts, collaborative approaches can also help improve remedies for affected people and ensure sustainable changes on the ground.

- **It's important to bring the right partners together.** This is true for global-level leadership initiatives and for more local-level collaborations. For example, when working to introduce a

remediation framework to address human rights risks at a local level, a civil society organisation that is key to enabling effective remediation in one province may not be the right partner in another. Ideally, all relevant stakeholders will be at the table to ensure the partnership is effective. If this is not possible, it is likely the partnership will still be able to achieve meaningful results with determination and effort.

- **Ensure all participating organisations have sufficient partnership capability.** This may need to be built up within the organisations participating in the collaboration. It will be important to develop a shared strategy, understand who are the key players, build constructive relationships and align on ways of working and communicating. Trust can be built through clear rules of engagement and by focusing on the inter-personal relationships between the individuals involved – as well as the institutional relationships.

See the slides and resources for this webinar.

Webinar 5: The next decade of business respect for human rights

- **The UNGPs will reach their first decade next June**. Ahead of this milestone, the UN Working Group on Business and Human Rights is leading a collaborative project to assess progress made to implement the UNGPs over the past ten years – and to set a roadmap and priorities for the next decade. Business practitioners – and other interested stakeholders – can input into this project by completing a short survey, which can be accessed here: https://ohchr-survey.unog.ch/index.php/593896?lang=en

- **The UN Working Group on Business and Human Rights exists to promote the UNGPs**. The Working Group consists of five independent experts representing different regions. Its mandate was established in 2011, when the UN Human Rights Council endorsed the UNGPs. The Working Group focuses on advancing implementation of all three pillars of the UNGPs and promotes dialogue on how to move from paper to practice. It also promotes alignment with key international institutions, such as the International Labour Organisation, the OECD, the UN Global Compact and the UN Development Programme (UNDP). The Working Group convened a regional forum in South Asia in 2019 and plans to do so again in 2021.

- **The UNDP B+HR Project aims to advance efforts to address business and human rights challenges through regional partnerships**. It produces tools, guidance and works with civil society organisations and human rights defenders – including to understand how different groups are impacted by business activity. The B+HR Project team also engage with processes across the Asia Pacific region to develop National Action Plans on Business and Human Rights. Recently, its work has also focused on assessing the human rights impacts of COVID-19 and supporting governments, businesses and other stakeholders to address these.

- **There are a number of forward-looking priorities that could inform the roadmap the UN Working Group is developing for the next decade.** Discussion during this session highlighted the need to move beyond the 'usual suspects' to better engage and include sectors and industries that have not yet advanced their human rights work sufficiently, as well as smaller businesses. One participant observed that currently, tools and guidance resources tend to target large multinational corporations; a different approach is needed to support smaller businesses. Further focus on advancing implementation of Pillar I and strengthening government engagement will also be key – business and human rights challenges are complex, and often cannot be overcome by business alone. Finally, it will be important to keep focused on achieving an impact on the ground – templates, tools and

standardised approaches can shift focus away from understanding with empathy the experiences of affected people. One participant suggested that, having moved from 'naming and shaming' to 'knowing and showing', we perhaps now need to focus on 'doing and collaborating'.

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